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| EXAMINER |
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SEMBER, THOMAS M

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| ART UNIT | PAPER NUMBER |
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2885

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07/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/596,816 | Applicant(s) TIESLER-WITTIG, HELMUT | |
| | Examiner Thomas M. Sember | Art Unit 2885 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8 and 17-23 is/are allowed.
- 6) ☒ Claim(s) 9-12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9, 11-12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Aida et al '388. Aida et al '388 discloses a lamp body 5 having a gas vessel with an inert gas contained therein, a lamp base (1 and 5a), a reflector housing (6), a transparent face (3), and an electronic circuit (1) for operating the lamp, and first and second ends of the vehicle lamp located along a lamp longitudinal axis that is coincidental with a longitudinal axis of the lamp body 5, wherein the reflector housing 6 is positioned at the first end, wherein the transparent face 3 is positioned at the second end; and wherein the lamp base (1 and 5a) and the electronic circuit (1) are positioned in proximity (as broadly interpreted means "near" or "close" or adjacent") to the second end.

Regarding claim 11, the electronic circuit (1) is positioned in the lamp base (1 and 5a).

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Regarding claim 12, the lamp base (1 and 5a) comprises a lamp body holder 5a and a lamp socket 5b, and wherein only the lamp body holder 5a is positioned in proximity (near) to the transparent face 3.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al '388 in view of Lesch et al '360. Aida et al '388 discloses the claimed invention except for the teaching that electrical supply lines for supplying the electronic circuit are arranged at or in the lamp body such that they screen off the lamp body against electromagnetic interference radiation issuing therefrom. Lesch et al '360 teaches electrical supply lines (13, 15 and 16) for supplying the electronic circuit are arranged at or in the lamp body such that they screen off the lamp body against electromagnetic interference radiation issuing therefrom. It would have been obvious to one skilled in the art at the time the invention was made to modify the lamp of Aida et al '388 to include electrical supply lines for supplying an electronic circuit arranged at or in the lamp body of Aida et al '388 as taught by Lesch et al '360 in order to screen off the lamp body against electromagnetic interference radiation issuing therefrom.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al '388 in view of Tsai et al '180. Aida et al '388 discloses the claimed invention except for the teaching that the transparent face is pivotably connected to the reflector housing to define in headlight inner space when transparent face is in a closed position. Tsai et al '180 teaches a headlight having a light transmitting or transparent face 3 which is pivotably connected to the reflector housing (1 and 2) to define in headlight inner space when transparent face is in a closed position. It would have been obvious to one skilled in the art at the time the invention was made to modify the transparent face 2 of Aida et al '388 so that it is pivotably connected to the reflector housing to define in headlight inner space when transparent face is in a closed position in order to more easily access the interior of the headlight space.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aida et al '388. Aida et al '388 discloses the claimed invention except for the teaching that transparent lens is glass. It would have been obvious to one skilled in the art at the time the invention was made to substitute glass for the transparent lens of Aida et al '388 since such a substitution would have merely been an obvious engineering design choice of known material to make lenses in the illumination art.

Allowable Subject Matter

5. Claims 1, 3-8 and 17-23 are allowed. Claims 1, 3-8 and 17-23 are allowable for the reasons stated in applicant's amendment and response filed on 11/07/08.

Response to Arguments

6. Applicant's arguments with respect to claims 9-12 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 9, the applicant argues that Aida et al '388 fails to teach "first and second ends of the vehicle lamp located along a lamp longitudinal axis that is coincidental with a longitudinal axis of the lamp body, wherein the reflector housing 6 is positioned at the first end, wherein the transparent face is positioned at the second end;

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and wherein the lamp base and the electronic circuit are positioned in proximity to the second end.”

The examiner disagrees. As broadly claimed Aida et al ‘388 teaches a lamp base (1 and 5a) and the electronic circuit (1) being positioned in proximity (which as broadly interpreted means “near”, “close” or “adjacent”) to the transparent face 3. First and second ends (see page 1 of applicant’s remarks depiction of figure 1 filed on 04/27/09) of the vehicle lamp located along a lamp longitudinal axis that is coincidental with a longitudinal axis of the lamp body 5, wherein the reflector housing 6 is positioned at the first end, wherein the transparent face 3 is positioned at the second end; and wherein the lamp base (1 and 5a) and the electronic circuit (1) are positioned in proximity (as broadly interpreted means “near” or “close” or adjacent” see dictionary.com) to the second end.” Thus, although the lamp base and electronic circuit of Aida et al ‘388 is positioned “at” the rear of the reflector 6 of Aida et al ‘388, it is also “near” or “close to” or “adjacent to” or “in proximity to” the second end of Aida et al ‘388.

This broad interpretation of the term “proximity” by the examiner is further supported by applicant’s specification which discloses on page 13, lines 15-17 that lamp insertion is not limited to the front glass but also includes insertion from a rear of the reflector housing.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 9 a.m.- 5.30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas M Sember/
Primary Examiner, Art Unit 2885